

The Salisbury Planning Board held its regular meeting on Tuesday, September 9, 2003, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Mitzi Clement, Rodney Queen, Jerry Wilkes, Fred Dula, Sandy Reitz, Ken Mowery, Brian Miller, Jeff Smith, Sean Reid, Eldridge Williams

ABSENT: Len Clark, Lou Manning

STAFF: Harold Poole, David Phillips, Patrick Ritchie, Patrick Kennerly, Joe Morris, Tammy File

The meeting was called to order by Chairman Dula. The minutes of August 26, 2003, were approved as published.

ZONING MAP AMENDMENTS

Z-12-03 Steve Mock, 1745 Sells Road
Location: 1745 Sells Road
Size: Approximately .63 acres
Existing Zoning: A-1 Agricultural District
Proposed Zoning: R-8 Single Family-8 Residential District

(a) Chairman Dula convened a courtesy hearing on Z-12-03

Planner Patrick Kennerly explained that the area proposed for rezoning consists of a small portion of one property located on the east side of the 1700 block of Sells Road. Most of the 9 acre tract is currently zoned R-8, with exception of about 0.63 acres, the area proposed for R-8, which is currently zoned A-1. There is an existing dwelling on the front of the property, with the remainder being undeveloped.

Those speaking in favor of the zoning change request:

Steve Mock, 1745 Sells Rd., the applicant- wanting to build a house on the property and meet one zoning district instead of two.

Those speaking in opposition to the zoning change request:

None.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Rodney Queen- Based on the logic on of that one little strip right in the middle of R-8, he made the motion to approve the zoning request as submitted. Sandy Reitz seconded the motion with all members voting AYE.

Z-13S-03 Davis L. Cooke, 111 West Bank Street
Location: 111 West Bank Street
Size: Approximately 18, 000 sq. ft.
Existing Zoning: B-5 Central Business District
Proposed Zoning: M-I-S Special Light Industrial District

(a) Chairman Dula convened a courtesy hearing on Z-13S-03

Sr. Planner Harold Poole explained that the area proposed for rezoning consists of one property located on the south side of West Bank Street. The property is about 18,000 square feet in size, or less than ½ acre. Most of the property, about 12,500 square feet, is taken up with an older warehouse/industrial building.

Those speaking in favor of the zoning change request:

Davis L. Cooke, 210 S. Jackson St., the applicant- this building was built in 1946, attractive building, very unique property. He has done a lot of improvements to the building to enhance it visually for the residential neighbors who live there. Because of the odd nature of this building, which it is an industrial site in the middle of downtown, it has been very difficult to find what he calls the right tenants. The right tenant to him is an established business, someone who needs a large work area or storage area with a loading dock and an attractive street façade. Trying to find a tenant who can use the building for what it is and not try to turn it into something that it is not. It has been six years since the building has been vacant.

Douglas Smith, 127 W. Bank- lives in the house immediately west to the property. Very much in support of Mr. Cooke's proposal. Says the business will fit with the character of the community and he thinks Mr. Cooke has found that business that truly would lend itself as a neighbor to our historical community right there on Bank Street.

Dowd Temple, 314 W. Marsh St., proposed tenant- have had my business on Depot St. for three years and the building I am using does not suit me for what I am doing. I can do all of my business from 7:30- 5:00 five days a week, noise should not be a problem. The front of the building is what he is interested in, it allows for a showroom with the nice façade.

Randy Hemann, 327 Mitchell Ave, Executive Director for Downtown Salisbury Inc.- there a number of changes to the downtown that occur on the fringe areas that were originally built as industrial spaces but no longer operate as industrial spaces. Unfortunately much of the same zoning in some cases, is still in effect on those properties. In the near future downtown Salisbury will be seeking to change some of these zonings. Strong creative element for downtown, don't want to prolong this process in any way. Would like consideration given to some things that would allow some of these uses but would protect our neighborhoods.

Those speaking in opposition to the zoning change request:

Henry Burke, 210 W. Glenview Dr., chairman of the trustees of First Methodist Church, 217 S. Church St.- three reasons that we object to this, first of all we question if this is an appropriate application for the historic area. Second, we are worried about the noise, woodworking shops indicate that there could be noise that would cause us problems. Third, the traffic, we have pre-school programs

and after school programs and approximately 100 children that would be in that area. Question trucks that would be making deliveries and the other extra traffic that would be in the area.

Chairman Dula reads two letters that he received:

Mark Perry, (was not able to attend the Planning Board meeting) wrote that he lives at 131 W. Bank Street and he knows the owner and the proposed tenant of the building located in his block, just two doors away. He is in favor of the proposed use of the building, but is not in favor of an M-1 zoning, and would like to have Planning Board suggest an alternative to the applicant for a conditional or special use under the present B-5 zoning that would be compatible with the proposed tenant's intended use.

Franchot and Carol Palmer, 203 West Bank Street, three doors down from the property in question. The Palmers wrote that they wanted to express their strong opposition to the rezoning of the old Star Laundry building to light industrial to accommodate a furniture/cabinet making shop. Over the past three years a lot of work has been done to restoring and stabilizing the west square historic district, which is immediately adjacent to the property in question. Many homes have been saved and property values have increased substantially. Light industrial is not suitable for a such close proximity to any residential neighborhood. They would like the rezoning denied.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Rodney Queen – said he agreed with just about everything he heard from everyone especially on Randy's part. Thinks going to a M-1 would be disasterous. He thinks you could probably do a text amendment and allow a lot of other things in B-5 that are wide spread in M-1, that are probably some of the least resisted. Rodney made motion to send this to a committee and look at text amendments. Brian Miller seconded the motion with all members voting AYE.

Sean Reid- Spot zoning, no M-1 zoning close by. Looks like we are going to make a use, going to slap M-1 right in the middle of it and make it work, there is no M-1 in proximity of downtown. Spot zoning that will come back and hit us later on down the line. Thinks we could do a text amendment and get something added into B-5 that will be more compatible, more suitable for downtown.

Jeff Smith- Thinks committee could look at additional uses, but we need to look at this use first. Thinks maybe this use should be permitted with some restrictions. Not only is the building unique but so is the business.

Sandy Reitz- Does this go to the historic foundation at any point?

CONSIDERATION OF RELINQUISHING PORTION OF ETJ (EXTRATERRITORIAL JURISDICTION-EAST OF INTERSTATE 85 SOUTH OF JULIAN AND HEILIG ROADS

Joe Morris gave a presentation to the Planning Board, on August 19, 2003 the Salisbury City Council initiated action to rescind the portion of Salisbury's ETJ which includes Summit Corporate Center. The County requested this action to facilitate permitting of new industries in the park. The City's approval process may take several months and often-prospective clients seek faster approval.

The Salisbury City Council, at its September 2, 2003 meeting, adopted a timetable for the relinquishment of a portion of the Salisbury Extraterritorial Jurisdiction. The North Carolina General Statutes require that a courtesy hearing be conducted by the Planning Board and a public hearing be conducted by the City Council in order to amend the official zoning map.

The Salisbury Planning Board conducted a courtesy hearing at which no one spoke. The Planning Board unanimously recommended in favor of relinquishing the ETJ. However, there was considerable discussion about the timetable for site plan review and the members of the Board expressed concern regarding reciprocal consideration for future expansion of the ETJ along Highway 70.

Jeff Smith made the motion that Planning Board relinquish portion of ETJ-East of Interstate 85 south of Julian and Heilig Roads, Jerry Wilkes seconded the motion with all members voting AYE.

PRELIMINARY PLAT SUBDIVISIONS

S-05-03 Stone Ridge Section 2

Patrick Ritchie explained that the Stone Ridge Section 2 development contains 49.849 acres and the lots will be served by City water and sewer. The site is currently within the City of Salisbury ETJ adjacent to the City limits. The TRC recommends that the developer petition for voluntary annexation as a condition of approval and place a note to this effect on the preliminary plat. The developer has indicated that he will comply with this recommendation.

The TRC identified the following items that do not conform to City Standards:

1. Section 5.02.11 of the Subdivision Ordinance, states that the maximum distance between intersections within new subdivisions shall be 800 feet. The design as submitted exceeds this limit on Stone Ridge Drive and must be revised in order to conform to the ordinance.
2. Policy S-12 of the Vision 2020 Comprehensive Plan recommends that streets connect to adjoining neighborhoods, and Section 5.02.03 of the Subdivision Ordinance gives Planning Board the authority to require such connections. The TRC recommends connections to Oakview Commons, Olde Salisbury and Foster Lane. The addition of Street stubs connecting to these areas will also aid in meeting the requirements of part 1 above.

It was the desire of the TRC to have these items brought into conformance with City Standards prior to submittal of the plat to the Planning Board; however, the City Attorney has advised staff to submit the proposal in conjunction with a request for relief from standards. The developer wishes to address the Planning Board to discuss his plans for this development and ask for relief from standards regarding the distance between intersections and interconnectivity. The TRC does not recommend relief from standards or approval of this plat by the Planning Board until the items mentioned above are adequately addressed.

Those speaking in favor of this subdivision:

Jay Dees, 121 E. Kerr St., representing developer of site- Don't have issue with sidewalks. Developer has agreed that the subdivision ordinance does apply to new phases in existing subdivisions as it clearly states in Section 5.02. Also in Section 5.02, paragraph 11, entitled blocks, simply states the maximum distance between intersections within new subdivisions shall be 800 feet. This question came up last time and we asked staff if this applies and they said it clearly applies, this ordinance is not clear. If this applies, we ask that you apply some common sense and see what is appropriate to the site. TRC recommends three places of connectivity for this development. 2020 Vision Plan no one believes that in it's planning stages it was to be used for this purpose.

Scott Robinson, 104 W. Colonial Dr.- In looking at this there are actually four zoning classifications. Am here speaking in favor of the proposals that the developer has put forth and against any issues of connectivity from an evaluation standpoint. The major reason is the connection of this phase of development to nearby developments represents a penalty to the subject due to incapable values, density and zoning. Traffic patterns from other developments into the proposed development will effectively result into a taking due to diminishing of the number of lots as proposed by the developer and on the value that results to the interior lots that end up on connector streets. He thinks you really have to look when you do this as to whether or not you are penalizing the developer unnecessarily. Due to good infrastructure both north and south of this, there are already great connectors between Faith and Old Concord Road so there is really no reason to do it for the sake of traffic patterns. Connection is contrary to the nature and intent of the original phase and to all the surrounding neighborhoods which are proposing to have connections. All of these were designed as limited access, especially cul-de-sac communities do better because they have limited access. None of the surrounding neighborhoods should want this as it will create unnecessary traffic through these otherwise quiet, limited access areas. It simply does not pass the prudent person test and he thinks you really have to look at that.

Jim Burgess, 125 Stone Ridge Dr., part of the developer as well as a resident- Have lived there four years, great neighbors, afraid someone else would come in and develop it and they would have a higher traffic count, quiet, convient, close to I-85. Almost completely full, just want to finish the neighborhood.

Wally Davenport, 109 Store Ridge Dr., former president of Stone Ridge Homeowners Association- Unique, quiet neighborhood, tight knit neighborhood, everyone knows everyone else and knows who comes and goes in our neighborhood, an area of security for the neighborhood. Any type of connectivity to this development would cause an increase in crime. He is in strong favor of this development as proposed today.

Jay Dees- Creating an access to Old Concord Road, thinks this is little different than most traffic patterns. Based on going out to Faith Road, he thinks it would be common sense to look at what kind of traffic patterns are going to be created with particularly, those two connections. Thinks the people who live there ought to be heard and their vested interest that they buy in a cul-de-sac community. They expected that development to be built out as proposed and we are going and changing that in considering this connectivity. If we have three connections, we take three lots, three lots of over one acre in size, from a developers standpoint we are cutting the margins down pretty slim. Thinks that is an extraordinary burden for a developer to bear, to ask him to give up what could be potentially the difference in making this project work or not making it work.

Patrick Ritchie – Regarding the interconnectivity issue, Old Salisbury and Oakview Commons, Phase 3 are both new subdivisions. Both subdivisions have the connector to this parcel and were designed assuming that connection would be made. They are designed assuming that someday the traffic would flow thru this area and out another way. They each have only one access to a public street that goes for Stone Ridge also, they only have a in-out at one location. The existing neighborhood with Foster Lane has two connections but they both come across a railroad track, staff's concern was if there is a problem with a train on that track, there is no fire or emergency access to this area. In regarding of the losing of three lots, these are large lots, exceed our standards, the number of lots would not have to decrease in order to add connections.

Board Discussion:

Brian Miller- The plan that you see I can be comfortable with, the interconnectivity I would like to hear more discussion by the Board on that issue. Can see both points of view, developer saying lessen the value, or is the connectivity more important ? Would like to see at least one connection.

Ken Mowery- Stuck on connectivity issue, concerned about neighborhood with one way in and one way meaning no emergency services at all. Not willing to give up connectivity, everybody else is playing by the rules, would like to have more study on it.

Sean Reid- Have Subdivision Ordinances but always wanting relief. Emergency situations the whole subdivision is caught in the situation. Need to live by the rules.

Rodney Queen- As a developer, looking at all the issues, spending time on a lot of the committees. He agrees with Vision 2020 have Ordinances, should follow them. Agree with Jay and Scott on a lot of things that they say. Should we do away with Vision 2020 or adhere to it? If we eliminate the interconnectivity of Oakview Commons going thru Stone Ridge then we should just do away with interconnectivity all together. Major detriment to eliminate at least some form of the interconnectivity.

Sandy Reitz- In favor of connectivity, supports TRC.

Jeff Smith- Tough situation, how to define connectivity, some ways it is clear, in other ways it is not. Four connections out there is excessive.

Sean Reid made the motion to send this to a committee, Jerry Wilkes seconded the motion with all members voting AYE.

REPORT ON UNIFIED DEVELOPMENT PLAN

Craig Lewis made a presentation to the Planning Board on his job as the City's consultant for a development code revision, which will include at least the zoning and subdivision ordinance. The rewrite is scheduled to take from September of this year to about January of 2005. The timeline reviews what is likely to take place when, with four basic phases: (1) annotated outline phase, (2) code preparation phase, (3) map revision phase, and (4) approval phase.

A preliminary table of comments of the Salisbury Land Development Code shows there may be 22 chapters.

COMMITTEE REPORTS

The M-2/West Innes Street Area Zoning Committee met Wednesday, September 3, from 8:00 to 9:00 a.m. in the Rowan Regional Medical Center Cafeteria. Phase 1 of this study has been complete, with the downzoning of rear portions of four properties on West Innes near the railroad bridge (from M-2 to B-6) and the easternmost part of the cemetery property (from M-2 to B-1). Phase 2 will cover that area closer to West Craige Street and the Ellis Graded School neighborhood. The committee decided to create a Phase 3, the Freirich Foods property north of the railroad tracks and adjoining the Jersey City neighborhood.

The Special Committee met Wednesday, September 3, from 9:00 to 10:00 a.m., in the Rowan Regional Cafeteria. The Committee had some reservations about approving the additional signage without looking into standards and, perhaps, more public input. The additional standards could be in the form of minimum size of developments (in acres or number of lots), perhaps combined with linear road frontage, or at least specifying that these signs had to be along throughfares.

The method for approval could be a simple permit if all standards were met. Another approach would be as a special use, where the Planning Board recommends and the City Council approves, denies, or modifies. Still another approach would be as a conditional use where the Zoning Board of Adjustment considers the proposal. There probably needs to be more staff research on these approaches to find the most equitable solution.

The Legislative Committee B conducted their 2nd meeting on Friday, September 5, 2003, at about 9:00 a.m., in the Rowan Regional Hospital Cafeteria. After the first committee meeting, members had asked about seeing what other ordinances in our immediate area had for open space regulations. Staff showed the committee the open space provisions from Concord and Mooresville, and talked very briefly about each.

There being no further business to come before the Board, the meeting was adjourned.

Chairman

Secretary